

FOURTH AMENDMENT

Grady v. North Carolina, --- U.S. --- (2015), Decided March 30, 2015

FACTS: Grady was convicted to two separate sexual offenses, one involving a child, in North Carolina. Following the serving of the sentence for the latter crime, the North Carolina courts ordered that, as a recidivist, he was to wear a satellite-based monitoring (SBM) system. He objected to the wearing of the monitoring device, however, arguing that violated his Fourth Amendment rights. He was ordered to wear the device for the rest of his life.

Grady appealed, relying on the decision in U.S. v. Jones.¹ North Carolina rejected his argument, holding that it did not control in this case. Further appeals to the North Carolina courts were rejected. Grady further appealed.

ISSUE: Is a civil monitoring program potentially a violation of the Fourth Amendment?

HOLDING: Yes

DISCUSSION: Grady argued that the requirement of a nonconsensual satellite-based monitoring device is a search within the meaning of the Fourth Amendment. Despite North Carolina's argument that the case was a civil proceeding, the Court noted that the Fourth Amendment "extends beyond the sphere of criminal investigations."² The Court agreed the "government's purpose in collecting information does not control whether the method of collection constitutes a search."

The Court noted that North Carolina's program "is plainly designed to obtain information," which it "does so by physically intruding on a subject's body." As such, it is a Fourth Amendment search. However, the ultimate question is whether it is an unreasonable search, and thus unconstitutional. Because the lower courts "did not examine whether the State's monitoring program is reasonable – when properly viewed as a search," the case was vacated and remanded back for further proceedings.

Full Text of Opinion: http://www.supremecourt.gov/opinions/14pdf/14-593_o7jq.pdf

¹ 565 U.S. --- (2012).

² Ontario v. Quon, 560 U.S. 746 (2010).